CA/100

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. No. 2140 **/2004**

PETITIONER

Vijay Narayan Tiwari
Aged about 42 years
S/O Shri K.L. Tiwari
Chief Executive Officer
Janpad Panchayat, Sonhat District
Koria, Baikunthpur (Chhattisgarh),

P.R. No. 1980/04
Presented by Shri ... Dt. 07/04

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through the Principal Secretary
Department of Tribal Development
D.K.S. Bhawan, Mantralaya
Raipur (Chhattisgarh)

2. Principal Secretary
Department of Panchayat & Rural Development, D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)

3. Collector
Koriya (Chhattisgarh)

4. Jila Panchayat
Koriya through Chief Executive Officer, district Koriya, Baikunthpur (Chhattisgarh)

5. Janpad Panchayat
Tahsil Sonhat
District Koriya (Chhattisgarh)

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Clerk to A.G. Bilaspur

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS TO MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

आदेश पत्रक

मामला क्रमांक W.P. NO. 2140/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

28-9-2004

On a mention being made, this case is taken up.

Shri Jitendra Pali, Advocate for the petitioner.

Shri Sudhir Agrawal, Panel Lawyer for the respondent no. 1 to 3.

Shri Pali submitted that service on respondents no. 4 and 5 has been effected and report has been filed.

Heard.

This petition has been filed by the petitioner under Article 226/227 of the Constitution of India against the order dated 7-7-2004 passed by the Collector (Annexure P-2) whereby the petitioner's services have been attached/replaced from the post of Chief Executive Officer, Janpad Panchayat, Tehsil Sonpat Distt. Koriya-respondent no. 5 to Jila Panchayat, Koriya.

Counsel for the petitioner submitted that the matter is squarely covered by the decision of this Court in W.P. No. 2540/2004 (Dr. S. Jahiruddin –v- State of C.G. and others) dated 16-9-2004. The contention of the counsel is that the Collector has no power to pass the impugned order Annexure P-2 as only the State Government has power to pass such order. He prays for similar order.

This fact is not disputed by the other side. State counsel submitted that liberty may be given to the State Government which is a competent authority to proceed further in the matter.

[पीछे देखिये

(31)

आदेश पत्रक

मामला क्रमांक W.P. No. 2140/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In view of the above submissions and in view of decision in W.P. No. 2540/2004, this Court is of the view that the order dated 7-7-2004 (Annexure P-2) passed by the respondent no. 3/Collector is not sustainable in the eyes of law. Accordingly, the order dated 7-7-2004 (Annexure P-2) is set aside. However the State Government, which is the competent authority may inquire and take action in the matter in accordance with law.

With the aforesaid observations, this petition stands disposed of.

Consequently, M.W.P. No. 1916/2004 also stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Patak 1-

[पीछे देखिये